

REMARKS

Claims 1-12 are pending in the application as filed.

In compliance with 37 C.F.R. §§ 1.77 and 1.125, amendments to the specification are submitted herewith by way of a substitute specification. No new matter has been added to the specification. Applicants respectfully request that the Examiner replace the specification currently on file with the enclosed substitute specification.

The Examiner has objected to the drawings and in order to cure these objections Applicant has identified the various elements called for in the claims by reference numerals or letters. Corrected drawing sheets are submitted herewith. Marked-up versions of the original drawings does not appear to be necessary as the only changes are the added reference numerals. The replacement sheets are so labeled, and no new matter has been presented.

The Examiner has indicated that the drawings fail to show upwardly open channels, downwardly open channels, upwardly projecting ribs, and an upwardly open recess. All of these elements are now identified in the drawings by reference numerals and linked to the specification. The insert I in provided Fig. 3 is in the upwardly open recess and the third upwardly open channel is readily apparent, once the insert has been snapped in place, being defined in part by the insert.

The “service box” referred to in the specification is defined by the well W identified in Fig. 3 of the drawings, and the device bracket 30 can be selectively provided in the well as shown in Fig. 5. More particularly, the walls defining the well W are identified in Fig. 3 at W₁ and W₂.

The Examiner has also raised formal questions on the claims, in that the subject matter claimed is not described in the specification in such a way as to enable one skilled in the art to make and/or use the same. This objection would appear to be cured assuming that the Examiner agrees with the reference numerals added in the substitute specification.

Applicant does not claim a method of use, but offers this explanatory material in the specification solely for the purpose of explaining the function of the structural items called out in these claims. Applicant has attempted to cure this perceived defect in the claims by way of the claim amendments submitted herewith.

Turning now to the rejection of claims 1, 2, 4, 7, 9 and 10 under 35 U.S.C. § 102, Applicant notes that Thorp et al. (U.S. Patent No. 4,858,401) fails to show or suggest access passageways defined in part by gaps formed by the upwardly projecting ribs and in part by adjacent sections of the downwardly open channels so as to allow cables to pass between these upwardly and downwardly open channels. The Examiner refers to Figs. 8-12 of Thorp et al. stating that such access passageways are provided for in Thorp et al.. However, the lower passageways 10, 10 of Thorp et al. are defined by continuous walled areas 11, 11 and are isolated in the upwardly open grid work suggested in Thorp et al.. Indeed, Thorp et al. does not appear to suggest that wiring can be accommodated in this upwardly open grid work. The disclosure in Thorp et al. might allow someone to install wire running in mutually perpendicular directions, but without being able to use the chimney at 20, 20. Thorp et al. does not suggest that any communication be provided between the chimneys 20, 20 and/or the downwardly open ones at 10, 10.

The Examiner points to Fig. 8 in Thorp et al. as disclosing an insert located in a recess as defined in claim 1 of the present application. However, Thorp et al. shows in Fig. 8 no upwardly open recess between two upwardly open channels as called for in claim 1. Indeed, Thorp et al. fails to even suggest upwardly open channels, but merely suggests an upwardly open grid work (see Fig. 9 of Thorp et al.).

Thorp et al. also fails to show or suggest any insert such as claimed by applicant, to provide for a third upwardly open recess in the panel. Certainly the cover 40 in Fig. 8 of Thorp et al. cannot be considered such an insert as this cover 40 cannot be considered to cooperate with ribs defining any upstanding channels to provide a "third upwardly open channel" between the at least two upwardly open channels of claim 1. Claim 2 in the present application clearly distinguishes over

Thorp et al. by reason of the upwardly open recess, in addition to at least two upwardly open channels. Claim 2 defines over Thorp et al. in light of the function for the insert which serves to define a third channel between these two upwardly open channels. There is no equivalent to this geometry in Thorp et al. nor does Thorp et al. show or suggest any equivalent structure.

The Examiner has rejected claim 7 on the basis that Thorp et al. shows a top floor panel secured to the base or subfloor panel of the present invention. However, claim 7 calls for flat cover panels to define a lower wall for enclosing the downwardly open channels. Clearly, the present invention does contemplate a top panel for use with the molded synthetic floor panel of claim 1 (see claim 9 of the present application). However, there is no suggestion in Thorp et al. of anything other than a tope panel for use with a base panel. Therefore, the rejection of claim 7 would appear to be unwarranted.

Independent claims 1, and dependent claim 10 are also rejected under 35 U.S.C. § 102b as anticipated by Lo (U.S. Patent No. 5,400,554). Applicant respectfully submits that Lo, like Boyd fails to show or to suggest mutually perpendicular raceways defined in a single molded panel so as to accommodate cables running in mutually perpendicular directions in upwardly and downwardly open channels respectively. Lo, like Thorp et al., fails to show or suggest access passageways provided between these upper and lower raceway channels. Furthermore, in Lo, as in Boyd there is no showing or suggestion of providing an upwardly open recess between parallel upwardly open channels that allow an insert to be used, or not used, to create, or not, a third channel running between the parallel upwardly open channels.

Claim 10 calls for peripherally spaced pillars provided integrally with the molded synthetic floor panel as known from the prior art. Claim 10 depends, however, from claim 1 and should be allowable therewith. Applicant does not claim the invention of a floor panel having pillars or posts defined integrally therewith. This element of Applicant's invention as presented in claim 10 should be allowable in combination with the limitations presented in independent claim 1.

Both Lo and Boyd do suggest open tops of the pillars or posts provided in the floor panel. Indeed this feature is also shown in the acknowledged prior art patent to Boyd (U.S. Patent No. 5,400,554) in the description of the invention presented in this application as filed. It should be apparent that the invention of claim 1 resides in large measure in providing for a recess between the upwardly open parallel raceway channels that can be used as such, and as indeed taught in Boyd, or not used, but by reason of the insert claimed, making the panel useful as a service outlet well when the selectively placed insert is removed. Thus, invention is deemed to be present by reason of the fact that the well is defined in the molded panel, and as in claim 2 can be fitted with an insert if desired. The important point to note here is that the prior art fails to show or suggest any well between the upwardly open channels of the floor panel. Thus, the problem solved by Applicant is not even recognized in the prior art.

The Examiner also relies upon 35 U.S.C. § 103 in rejecting claim 8. Claim 8 calls for a gap provided in the upwardly open raceway channel ribs. These gaps are selectively formed as a result of breaking out segments of these ribs during installation. Thus, the ribs are provided with lines of weakening which permit this step. Claim 8 has been amended to reflect the structural limitations that allow this step to be taken rather than relying solely upon the method step itself. Favorable reconsideration of claim 8 is therefore respectfully requested. Certainly Thorp et al. fails to show or suggest either the lines of weakening in the ribs to allow the removal of the sections thereof, or to recognize the reason for such a feature in the first place. Here again, Thorp et al. fails to show or suggest any need for communication as between the downwardly open and upwardly open raceway channels.

Applicant respectfully traverses the rejection levied in the outstanding Office Action, and requests reconsideration of the claims as amended herein, and in light of the clarification to these claims afforded by the amendments to the specification and drawings. Claims 3, 5 and 6 stand rejected under 35 U.S.C. § 103 as unpatentable over Thorp et al. in view of Boyd. The Examiner relies upon Boyd for its illustration of a service box 17. However, the service box 17 in Boyd is provided in a recess in the subfloor, rather than in a recess defined solely by the molded base panel as in the present disclosure. It is an important feature of the present invention that the device

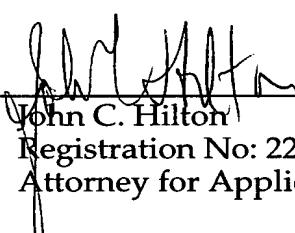
brackets and outlet devices are provided within a recess defined solely by the molded plastic panel rather than in the subfloor. Applicant submits that it would not have been obvious to one of ordinary skill in this art to modify Thorp et al. as taught by Boyd, and such a combination actually teaches away from the present invention in that such a combination would still require a service box in the subfloor rather than providing same in the more convenient location in the molded floor panel of the present invention.

Should the Examiner have any questions regarding the present application, Applicants respectfully request that the Examiner contact the Applicants' representative at the phone number listed below.

Applicants believe that no fees are due with filing this amendment. However, please charge any deficiencies associated with this filing to our Deposit Account No: 13-0235.

Respectfully submitted,

By _____


John C. Hilton
Registration No: 22,965
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP
CityPlace II
185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290